

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against: )**

**GEORGE E. McCLANE, M.D. )**

**Case No. 10-2007-186353**

**Physician's and Surgeon's )  
Certificate No. G-68757 )**

**Respondent. )**

**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on January 7, 2011.**

**IT IS SO ORDERED December 8, 2010.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
**Hedy Chang, Chair  
Panel B**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 HEIDI R. WEISBAUM  
Deputy Attorney General  
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8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 10-2007-186353

13 GEORGE E. McCLANE, M.D.  
4476 Brighton Avenue  
14 San Diego, CA 92107

OAH No. 2010070964

15 Physician's and Surgeon's  
16 Certificate No. G68757

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
22 California. She brought this action solely in her official capacity and is represented in this matter  
23 by Edmund G. Brown Jr., Attorney General of the State of California, by Heidi R. Weisbaum,  
24 Deputy Attorney General.

25 2. Respondent George Eddington McClane, M.D. (Respondent) is represented in this  
26 proceeding by attorney Kenneth P. White, whose address is: Kenneth P. White,  
27 Brown, White & Newhouse, 333 S. Hope Street, 40th Floor, Los Angeles, California 90071.

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3. On or about June 11, 1990, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. G68757, to Respondent George Eddington McClane, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 10-2007-186353 and will expire on June 30, 2012, unless renewed.

## JURISDICTION

4. On February 23, 2010, Accusation No. 10-2007-186353 was filed before the Board and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on February 23, 2010. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 10-2007-186353 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 10-2007-186353. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws, having been fully advised of same by his attorney.

7. Respondent, having the benefit of counsel, voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits that at any hearing of this matter, Complainant could prove a  
3 prima facie case establishing each and every charge and allegation in Accusation No. 10-2007-  
4 186353.

5 9. Respondent agrees that if he ever petitions for early termination or modification of  
6 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
7 Board, all of the charges and allegations contained in Accusation No. 10-2007-186353, shall be  
8 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or  
9 any other licensing proceeding involving Respondent in the State of California.

10 10. Respondent agrees that his Physician's and Surgeon's Certificate No. G68757, is  
11 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth  
12 in the Disciplinary Order below.

13 CONTINGENCY

14 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
15 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
16 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
17 Settlement and Disciplinary Order after receiving it.

18 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null  
19 and void and not binding on the parties unless approved and adopted by the Board, except for this  
20 paragraph, which shall remain in full force and effect. Respondent fully understands and agrees  
21 that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary  
22 Order, the Board may receive oral and written communications from its staff and/or the Attorney  
23 General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any  
24 member thereof, and/or any other person from future participation in this or any other matter  
25 affecting or involving Respondent. In the event that the Board, in its discretion, does not approve  
26 and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph,  
27 it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied  
28 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees

1 that should the Board reject this Stipulated Settlement and Disciplinary Order for any reason,  
2 Respondent will assert no claim that the Board, or any member thereof, was prejudiced by  
3 its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary  
4 Order or of any matter or matters related hereto.

#### 5 ADDITIONAL PROVISIONS

6 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to  
7 be an integrated writing representing the complete, final and exclusive embodiment of the  
8 agreements of the parties in the above-entitled matter.

9 14. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary  
10 Order, including facsimile signatures of the parties, may be used in lieu of original documents and  
11 signatures and, further, that facsimile copies shall have the same force and effect as originals.

12 15. In consideration of the foregoing admissions and stipulations, the parties agree the  
13 Board may, without further notice or opportunity to be heard by Respondent, issue and enter the  
14 following Disciplinary Order:

#### 15 DISCIPLINARY ORDER

16 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G68757, issued  
17 to Respondent George Eddington McClane, M.D., is revoked. However, the revocation is stayed  
18 and Respondent is placed on probation for five (5) years on the following terms and conditions.

19 1. EDUCATION COURSE Within 60 calendar days of the effective date of this  
20 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee  
21 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours  
22 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at  
23 correcting any areas of deficient practice or knowledge and shall be Category I certified, limited  
24 to classroom, conference, or seminar settings. The educational program(s) or course(s) shall be at  
25 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)  
26 requirements for renewal of licensure. Following the completion of each course, the Board or its  
27 designee may administer an examination to test Respondent's knowledge of the course.

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Respondent shall provide proof of attendance for 65 hours of continuing medical education of which 40 hours were in satisfaction of this condition.

2. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective date of this decision, Respondent shall enroll in a course in medical record keeping, at Respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. ETHICS COURSE Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first year of probation is a violation of probation.

An ethics course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

4. PROFESSIONAL BOUNDARIES PROGRAM Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program, at Respondent's expense, equivalent to the Professional Boundaries Program, Physician Assessment

1 and Clinical Education Program at the University of California, San Diego School of Medicine  
2 ("Program"). Respondent, at the Program's discretion, shall undergo and complete the Program's  
3 assessment of Respondent's competency, mental health and/or neuropsychological performance,  
4 and at minimum, a 24 hour program of interactive education and training in the area of  
5 boundaries, which takes into account data obtained from the assessment and from the Decision(s),  
6 Accusation(s) and any other information that the Board or its designee deems relevant. The  
7 Program shall evaluate Respondent at the end of the training, and the Program shall provide any  
8 data from the assessment and training as well as the results of the evaluation to the Board or its  
9 designee.

10 Failure to complete the entire Program not later than six months after Respondent's initial  
11 enrollment shall constitute a violation of probation unless the Board or its designee agrees in  
12 writing to a later time for completion. Based on Respondent's performance in and evaluations  
13 from the assessment, education, and training, the Program shall advise the Board or its designee  
14 of its recommendation(s) for additional education, training, psychotherapy and other measures  
15 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with  
16 Program recommendations. At the completion of the Program, Respondent shall submit to a final  
17 evaluation. The Program shall provide the results of the evaluation to the Board or its designee.

18 The Program's determination whether or not Respondent successfully completed the  
19 Program shall be binding.

20 Failure to participate in and complete successfully all phases of the Program, as outlined  
21 above, is a violation of probation.

22 5. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent shall  
23 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief  
24 Executive Officer at every hospital where privileges or membership are extended to Respondent,  
25 at any other facility where Respondent engages in the practice of medicine, including all  
26 physician and locum tenens registries or other similar agencies, and to the Chief Executive  
27 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.

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Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

6. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is prohibited from supervising physician assistants.

7. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

8. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

9. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Respondent shall not engage in the practice of medicine in Respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license.

Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

10. INTERVIEW WITH THE BOARD, OR ITS DESIGNEE Respondent shall be available in person for interviews either at Respondent's place of business or at the probation unit office, with the Board or its designee, upon request at various intervals, and either with or without prior notice throughout the term of probation.

11. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its

1 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
2 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in  
3 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

4 All time spent in an intensive training program outside the State of California which has  
5 been approved by the Board or its designee shall be considered as time spent in the practice of  
6 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
7 period of non-practice. Periods of temporary or permanent residence or practice outside  
8 California will not apply to the reduction of the probationary term. Periods of temporary or  
9 permanent residence or practice outside California will relieve Respondent of the responsibility to  
10 comply with the probationary terms and conditions with the exception of this condition and the  
11 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and  
12 Cost Recovery.

13 Respondent's license shall be automatically cancelled if Respondent's periods of temporary  
14 or permanent residence or practice outside California total two years. However, Respondent's  
15 license shall not be cancelled as long as he is residing and practicing medicine in another state of  
16 the United States and is on active probation with the medical licensing authority of that state, in  
17 which case the two year period shall begin on the date probation is completed or terminated in  
18 that state.

19 12. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

20 In the event Respondent resides in the State of California and for any reason Respondent  
21 stops practicing medicine in California, Respondent shall notify the Board or its designee in  
22 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any  
23 period of non-practice within California, as defined in this condition, will not apply to the  
24 reduction of the probationary term and does not relieve Respondent of the responsibility to  
25 comply with the terms and conditions of probation. Non-practice is defined as any period of time  
26 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in  
27 sections 2051 and 2052 of the Business and Professions Code.

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1 All time spent in an intensive training program which has been approved by the Board or  
2 its designee shall be considered time spent in the practice of medicine. For purposes of this  
3 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
4 condition of probation, shall not be considered a period of non-practice.

5 Respondent's license shall be automatically cancelled if he resides in California and for a  
6 total of two years, fails to engage in California in any of the activities described in Business and  
7 Professions Code sections 2051 and 2052.

8 13. COMPLETION OF PROBATION Respondent shall comply with all financial  
9 obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of  
10 probation. Upon successful completion of probation, Respondent's certificate shall be fully  
11 restored.

12 14. VIOLATION OF PROBATION Failure to fully comply with any term or condition  
13 of probation is a violation of probation. If Respondent violates probation in any respect, the  
14 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
15 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,  
16 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
17 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
18 the matter is final.

19 15. LICENSE SURRENDER Following the effective date of this Decision, if  
20 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
21 the terms and conditions of probation, Respondent may request the voluntary surrender of his  
22 license. The Board reserves the right to evaluate Respondent's request and to exercise its  
23 discretion whether or not to grant the request, or to take any other action deemed appropriate and  
24 reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall  
25 within 15 calendar days deliver his wallet and wall certificate to the Board or its designee and he  
26 shall no longer practice medicine. Respondent will no longer be subject to the terms and  
27 conditions of probation and the surrender of his license shall be deemed disciplinary action. If

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Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

16. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

#### ACCEPTANCE

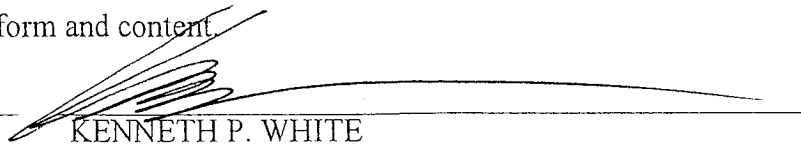
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kenneth P. White. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G68757. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 2/9/2010

  
GEORGE EDDINGTON MCCLANE, M.D.  
Respondent

I have read and fully discussed with Respondent George Eddington McClane, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/29/10

  
KENNETH P. WHITE  
Brown, White & Newhouse  
Attorneys for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: October 29, 2010

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
THOMAS S. LAZAR  
Supervising Deputy Attorney General

  
HEIDI R. WEISBAUM  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 10-2007-186353**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 HEIDI R. WEISBAUM  
Deputy Attorney General  
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6 San Diego, CA 92186-5266  
Telephone: (619) 645-2098  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO** *February 23, 2010*  
**BY** *[Signature]*

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 10-2007-186353

13 **GEORGE E. McCLANE, M.D.**  
4476 Brighton Avenue  
14 San Diego, CA 92107

**A C C U S A T I O N**

15 Physician's and Surgeon's Certificate  
16 No. G68757

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
22 as the Interim Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs.

24 2. On about June 11, 1990, the Medical Board of California issued Physician's and  
25 Surgeon's Certificate Number G68757 to George E. McClane, M.D. (Respondent). The  
26 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on June 30, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or have such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality<sup>1</sup>[Board] shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

" . . . "

6. Unprofessional conduct under Section 2234, is conduct "which breaches the rules or ethical code of a profession, or conduct which is unbecoming a member in good standing of a profession," and which "relate[s] to conduct which indicates an unfitness to practice medicine."<sup>2</sup>

7. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

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<sup>1</sup> California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof. Code §2000, et seq.) means the "Medical Board of California," and references to the Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

<sup>2</sup> *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

FIRST CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

8. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (a), in that he engaged in conduct that breaches the rules or ethical code of the medical profession, or that is unbecoming a member in good standing of the medical profession, and that relates to conduct that indicates an unfitness to practice medicine in his care and treatment of patient G.T., as more particularly alleged hereinafter:

9. In about January 1996, Respondent met G.T., a 78 year old woman, at Sharp Cabrillo Hospital Emergency Room, where G.T. had come by ambulance with her husband who was comatose. Two or three days later, Respondent checked at the hospital to see how G.T.'s husband was doing and learned he had died. Respondent then looked up G.T.'s address in her husband's medical records. The address was walking distance from Respondent's home. A few days after G.T.'s husband's death, Respondent walked to her home, unannounced, expressed his condolences to her, and told her to call him if she needed anything.

10. Thereafter, Respondent actively pursued a relationship with G.T. that lasted until her death in 2006. Respondent and his wife attended the memorial service for G.T.'s husband, which was held at G.T.'s home a few weeks after the death. Respondent's children began playing at G.T.'s home. Respondent spent late afternoons with G.T., often enjoying a glass of wine with her. Respondent's family spent holidays with G.T.

11. In about March 1997, Respondent agreed to be G.T.'s agent for her Durable Power of Attorney for Health Care (DPA-HC). Respondent initially asked G.T. to choose someone else, but acquiesced to her wishes when she agreed to let the internist, Dr. K.R., remain involved in her care. When G.T. fired the internist a few years later, Respondent did not remind her of their agreement or insist that she change her DPA-HC. Respondent did not document any of this.

12. In about 2000, G.T. started experiencing problems with emphysema. She had been a lifelong smoker. Dr. K.R. told her to quit smoking, but she ignored his advice and subsequently fired him. Respondent told her she needed a primary care physician and arranged for a physician from Mobile Physicians to see her. After a few visits, G.T. rejected the Mobile physician.

1 Respondent did not document G.T.'s firing of Dr. K.R. or her rejection of the Mobile physician or  
2 any discussion of the consequences of her acts.

3 13. In about 2003, Respondent took over G.T.'s care. During that same year, G.T. told  
4 her accountant she wanted to bequeath her home and its contents to Respondent. She had  
5 discussed this previously with Respondent, who allegedly tried to dissuade G.T. from doing this,  
6 but G.T. insisted and he acquiesced. Respondent was present at G.T.'s home when the  
7 documents effecting the bequest to him were executed by G.T., and allegedly Respondent felt  
8 uncomfortable about being there. Respondent did not document G.T.'s bequest to him or his  
9 alleged discomfort.

10 14. Between 2003 and 2006, Respondent provided medical care for G.T. Respondent  
11 kept informal records of his care and treatment of G.T. on yellow legal pads. He prescribed  
12 oxygen for her and visited her several times per week, and sometimes daily. G.T. became more  
13 frail over the years. Most of her care was directed to the emphysema and oxygen therapy, but  
14 G.T. continued to smoke and Respondent acquiesced to her wishes. G.T. also demanded to stay  
15 at home and refused more aggressive care.

16 15. During her last illness, when she had pneumonia, Respondent complied with G.T.'s  
17 desire for comfort care in her home, only. She died in her home on October 5, 2006.

18 16. Respondent committed general unprofessional conduct in his care and treatment of  
19 patient G.T., which included, but was not limited to, the following:

20 A. Respondent maintained a very close personal relationship along with a three-  
21 plus-years professional doctor-patient relationship with G.T., and failed to set limits on the  
22 personal relationship.

23 B. Respondent operated outside the scope of practice for an emergency physician,  
24 his specialty, by providing primary care over a number of years for G.T.

25 C. Respondent knowingly allowed himself to be named a beneficiary of a  
26 significant gift (G.T.'s house and its contents) from his patient.

27 D. Respondent continued to be G.T.'s agent for her Durable Power of Attorney for  
28 Health Care while providing primary care for her.

1 SECOND CAUSE FOR DISCIPLINE

2 (Failure to Maintain Adequate and Accurate Records)

3 17. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
4 defined by section 2266, in that he failed to maintain adequate and accurate records of his care  
5 and treatment of patient G.T., as more particularly described hereinafter:

6 A. Paragraphs 8 through 16, above, are hereby incorporated by reference as if fully  
7 set forth herein.

8 B. Respondent failed to adequately and accurately document the care and  
9 treatment he provided to patient G.T.

10 C. Respondent failed to adequately and accurately document G.T.'s wishes  
11 regarding her health care.

12 D. Respondent failed to adequately and accurately document patient G.T.'s  
13 refusals of care from other physicians or caregivers and Respondent's own related concerns  
14 about her refusals.

15 E. Respondent failed to adequately and accurately document his concerns about  
16 being named patient G.T.'s agent for her Durable Power of Attorney for Health Care.

17 F. Respondent failed to document his discomfort at being named as a beneficiary  
18 of a significant gift in patient G.T.'s trust, despite being present in G.T.'s home when the  
19 trust documents were executed.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Medical Board of California issue a decision:

23 1. Revoking or suspending Physician's and Surgeon's Certificate Number G68757,  
24 issued to Respondent George E. McClane, M.D.;

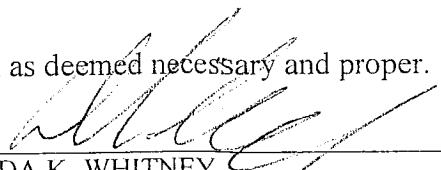
25 2. Revoking, suspending or denying approval of Respondent George E. McClane,  
26 M.D.'s authority to supervise Physician Assistants, pursuant to Code Section 3527;

27 3. Ordering Respondent George E. McClane, M.D. to pay the Medical Board of  
28 California, if placed on probation, the costs of probation monitoring; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED: February 23, 2010

  
LINDA K. WHITNEY  
Interim Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*